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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 NATIONAL TPS ALLIANCE, *et. al.*,

17 Plaintiff,
18 v.
19 KRISTI NOEM, in her official capacity as
20 Secretary of Homeland Security, *et. al.*,
21 Defendants.

Case No. 3:25-cv-1766-EMC

Judge: Hon. Sallie Kim

DECLARATION OF GARY M. LAWKOWSKI
IN SUPPORT OF DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION TO COMPEL

1 DECLARATION OF GARY M. LAWKOWSKI

2 I, Gary M. Lawkowski, do hereby state and declare as follows:

3 1. I am a Deputy Assistant to the President and Deputy Counsel to the President. I have been a
4 deputy since January 20, 2025. As Deputy Counsel to the President, my responsibilities include providing
5 legal advice to White House staff, including advice on matters involving the invocation of the presidential
6 communications privilege.

7 2. I base this declaration on my personal knowledge, information made available to me in the
8 performance of my official duties, and my knowledge of the issues being litigated in the above-captioned
9 case.

10 3. I am aware that defendants have withheld information and documents on the basis of one or
11 more privileges, including the presidential communications privilege. I understand that descriptions of
12 these documents have been provided to plaintiffs in a privilege log submitted by defendants.

13 4. Having personally reviewed the information requested, the documents, and the corresponding
14 privilege log, I hereby assert, on behalf of the Office of the President, the presidential communications
15 privilege with respect to the documents and information discussed below.

16 5. I understand that defendants are also asserting other privileges, such as the deliberative process
17 privilege, with respect to the documents and information discussed below. The fact that my assertion is
18 limited to the presidential communications privilege is in no way intended to suggest that the documents
19 and information are not protected by other privileges.

20 Documents

21 6. On February 12, 2025, Matthew R. Ochoa, the Director for Interior Enforcement on the
22 Homeland Security Council sent an e-mail to officials at the Department of Homeland Security (DHS),
23 Department of Justice (DOJ), and Department of State (DOS) requesting that they provide documents and
24 status updates on Homeland Security Council action items to be discussed during an upcoming meeting
25 on Executive Order (EO) 14159 – *Protecting the American People Against Invasion*, then scheduled for
26 February 21, 2025. This solicitation of information is included in PRIVID_000005, which is an email
27 from DHS Headquarters forwarding the request to U.S. Citizenship and Immigration Services (USCIS)

1 and an email forwarding the same within USCIS, along with an attachment tracking required responses
2 (PRIVID_000006). PRIVID_000011 and 000012 are the same forwarded request and attachment, as
3 forwarded by the Chief of Staff for the Director of USCIS to the Acting Deputy Director of USCIS for
4 assignment and response from the Acting Deputy Director. PRIVID_000007 and 000008 are the same
5 forwarded request and attachment, reforwarded by the USCIS Acting Deputy Director to various
6 individuals within USCIS. PRIVID_000009 and 000010 are the USCIS Acting Deputy Director's
7 response back to DHS for further forwarding to the Homeland Security Council, with the attachment now
8 formatted as a table and updated with information from USCIS.

9 7. The Homeland Security Council (“HSC”) is a policy council that coordinates policy
10 recommendations to the President. It is administratively located within the National Security Council in
11 the Executive Office of the President. It is led by a direct advisor to the President, the Assistant to the
12 President and Deputy Chief of Staff for Policy and Homeland Security Adviser Stephen Miller.

13 8. Mr. Ochoa is the Director for Interior Enforcement on the HSC. In this capacity, he serves as
14 staff supporting immediate White House advisers, including, but not limited to the Assistant to the
15 President and Deputy Chief of Staff for Policy and Homeland Security Adviser, and assists in investigating
16 and formulating advice for the President.

17 9. The documents in question include communications authored by Mr. Ochoa soliciting additional
18 information from the Department of Homeland Security. Each of the documents reflects the policy
19 priorities for the HSC and the information required for HSC staff to fulfill their advisory role, information
20 that is protected by the Presidential Communications Privilege.

21 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and
22 belief.

23
24 Date: 7/3/2025 
25 Gary M. Lawkowski
Deputy Assistant to the President
and Deputy Counsel to the President